

540 725 1731; 10/12/00 5: #132;

t by: The Egg Factory

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By: Adaptive Technologies, Inc.;

5409511993;

Oct-12-00 2:47PM;

Attorney Docket: 10557174/

## DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**USER-AJUSTABLE VOLUME CONTROL THAT ACCOMODATES HEARING (As Amended in the International Search Phase)** the specification of which was filed on April 14, 1999 as PCT Application No. PCT/US99/08055.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35 United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below. I have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed

Appl. Serial No./ Country	Filing Date	Status	Priority Claimed	
			Yes:	No:
			Yes:	No:
			Yes:	No:

I hereby claim the benefit under Title 35, United States Code §120, of any United States applications or §365(c) of any PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in those prior applications in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. / PCT Appl. Serial No.	Filing Date	Status/Patent No.	Priority Claimed
PCT/US99/08055	April 14, 1999	Pending	Yes
09/059,303	April 14, 1998	Pending	Yes
09/059,304	April 14, 1998	Pending	Yes
09/059,307	April 14, 1998	Abandoned	Yes
60/109,506	November 28, 1998	Abandoned	Yes

I hereby claim the benefit under Title 35, United States Code §119(e), of any United States provisional applications listed below:

Application Number	Filing Date

And I hereby appoint the registered practitioners of Kenyon & Kenyon included in the Customer Number provided below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Customer No. 23838

10/12/00 5:13:32

540 725 1731;

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Received: 10/12/00 2:55PM; The Egg Factory; #121; Page 3

By: Adaptive Technologies, Inc.; 5408511993;

Oct-12-00 2:48PM;

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Attorney Docket: 10531/141

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Washington, DC 20005. Mr. Prass can be reached at (202) 220-4207.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

100 First Inventor

Inventor's Signature

Date

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Citizenship

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